

1 **NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD**

2
3 **RESOLUTION-2013-01**

4
5 **OPEN MEETING RESOLUTION**

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7 WHEREAS, the New Mexico Environmental Improvement Board met in regular session at 1120
8 Paseo De Peralta, Santa Fe, New Mexico on January 7, 2013, at 10 a.m.; and
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10 WHEREAS, Section 10-15-1(B) of the Open Meeting Act (NMSA 1978, Sections 10-15-1 to 4)
11 states that except as may be otherwise provided in the Constitution or the provisions of the Open
12 Meetings Act, all meetings of a quorum of members of any board, council, commission,
13 administrative adjudicatory body or other policymaking body of any state or local public agency
14 held for the purpose of formulating public policy, discussing public business or for the purpose
15 of taking any action within the authority or the delegated authority of such body, are declared to
16 be public meetings open to the public at all times; and
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18 WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption
19 of any proposed resolution, rule, regulation or formal action occurs shall be held only after
20 reasonable notice to the public; and
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22 WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the New Mexico
23 Environmental Improvement Board to determine annually what constitutes reasonable notice of
24 its public meetings.
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26 **THEREFORE, BE IT RESOLVED BY THE NEW MEXICO ENVIRONMENTAL**
27 **IMPROVEMENT BOARD THAT:**
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- 29 1. All meetings shall be held monthly at the State Capitol, Room 307, Santa Fe, New
30 Mexico at 10:00 a.m. or as indicated in the meeting notice. Board members who cannot
31 attend the meeting in person may participate by electronic or telephonic means as long
32 as the Board can hear and communicate clearly with the physically absent participant.
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- 34 2. **Regular Meetings.** Unless otherwise specified, regular meetings shall be held on the
35 first Monday of each month. The agenda will be available at least twenty-four hours
36 prior to the meeting from the Board Administrator, whose office is located at 1190 S. St.
37 Francis Drive, Suite N-2150, Santa Fe, New Mexico 87502. Notice of any other regular
38 meetings will be given ten days in advance of the meeting date. The notice shall indicate
39 how a copy of the agenda may be obtained.
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- 41 3. **Special Meetings.** Special meetings may be called by the Chairman or a majority of
42 the members upon three days notice. The notice shall include an agenda for the meeting
43 or information on how members of the public may obtain a copy of the agenda. The
44 agenda shall be available to the public at least twenty-four hours before any special
45 meeting.
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- 47 4. **Emergency Meetings.** Emergency meetings will be called only under unforeseen
48 circumstances that demand immediate action to protect the health, safety and property of
49 citizens or to protect the public body from substantial financial loss. Emergency
50 meetings may be called to make decisions about immediately pending or threatened
51 litigation provided that such litigation could result in injury or damage to persons or
52 property or substantial financial loss to the Board. The New Mexico Environment
53 Improvement Board will avoid emergency meetings whenever possible. Emergency
54 meetings may be called by the Chairman or majority of the members upon twenty-four
55 hours notice, unless threat of personal injury or property damage or pending or
56 threatened litigation requires less notice. The notice for all emergency meetings shall
57 include an agenda for the meeting or information on how the public may obtain a copy of
58 the agenda.
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- 60 5. For the purpose of regular meetings described in paragraph 2 of this resolution, notice
61 requirements are met if notice of date, time, place and agenda is sent to the Board's
62 mailing list and posted online at <http://www.nmenv.state.nm.us/eib/>. Copies of the
63 written notice shall also be mailed or emailed to those broadcast stations licensed by the
64 Federal Communication Commission and newspapers of general circulation that have
65 made a written or emailed request for notice of public meetings.
66
- 67 6. For the purpose of special meetings and emergency meetings described in paragraph 3
68 and 4 of this resolution, notice requirements are met if notice of the date, time, place and
69 agenda is sent to the Board's electronic mailing list and posted online at
70 <http://www.nmenv.state.nm.us/eib/>. Telephone or email notice shall be given to those
71 broadcast stations licensed by the Federal Communications Commission and newspapers
72 of general circulation that have made a written request for notice of public meetings.
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- 74 7. In addition to the information specified above, all notices shall include the following
75 language:
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77 *"If you are an individual with a disability who needs a reader, amplifier, qualified sign*
78 *language interpreter, or any other form of auxiliary aid or service to attend or*
79 *participate in the hearing or meeting please contact the Board Administrator at least two*
80 *(2) weeks prior to the meeting or as soon as possible. Public documents, including the*
81 *agenda and minutes can be provided in various accessible formats. Please contact the*
82 *Board Administrator if a summary or other type of accessible format is needed."*
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- 84 8. **Closed Meetings.** The New Mexico Environmental Improvement Board may close a
85 meeting to the public only if the subject matter of such discussion or action is excepted
86 from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.
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- 88 a) If any meeting is closed during an open meeting, such closure shall be approved by a
89 majority of a quorum of the New Mexico Environmental Improvement Board taken
90 during the open meeting. The authority for the closed meeting and the subjects to be
91 discussed shall be stated with reasonable specificity in the motion to close and the vote of

each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

- b) If a closed meeting is conducted when the Environmental Improvement Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.
- c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice of closure.
- d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the New Mexico Environmental Improvement Board in an open public meeting.

ADOPTED BY THE NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD THIS
7TH DAY OF JANUARY, 2013.



Chair